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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY

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JOSHUA KEAHEY, TRAVIS KEAHEY,
and JENNY KEAHEY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSHUA KEAHEY, an
individual, TRAVIS KEAHEY,
an individual, and JENNY
KEAHEY, an individual.

PLAINTIFF,

vs.

BERTRAND MANAGEMENT
GROUP, LLC, a.k.a. BM Group,
LLC, MEGAN DOE, MARGO
DOE, and DOES 1 to 5,

DEFENDANTS.

Case No.: SACV12 - 01770 CJC (ANx)

JURY TRIAL DEMANDED

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

1. VIOLATION OF THE FAIR
DEBT COLLECTION
PRACTICES ACT
2. VIOLATION OF THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES
ACT
3. INVASION OF PRIVACY
4. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

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COMPLAINT FOR DAMAGES

INTRODUCTION

- 1
2 1. Plaintiffs, JOSH KEAHEY, TRAVIS KEAHEY, and JENNY KEAHEY
3 (hereinafter collectively referred to as Plaintiffs unless otherwise indicated)
4 bring this action to enjoin Defendants, BERTRAND MANAGEMENT
5 GROUP, LLC, a.k.a. BM GROUP, LLC, MEGAN DOE, and MARGO
6 DOE (collectively referred to as “Defendants” unless otherwise indicated)
7 from continuing with its campaign of harassment and intimidation and to
8 recover for damages suffered by virtue of Defendants’ abusive conduct in
9 the course of collecting on a consumer debt purportedly owed by Josh.
10
11 2. Since May 2012, Defendants have embarked on an illegal campaign of debt
12 collection abuse by:
 - 13 a. Telling Jenny that a warrant had been issued for Josh’s arrest;
14
15 b. Calling and harassing Josh and Travis’ father when his father was in
16 the late stages of terminal cancer.
17
18 c. Making offensive telephone calls and threatening to continuing
19 calling Jenny and Travis about the debt unless Josh paid it;
20
21 d. Falsely claiming they were a law firm;
22
23 e. Claiming that a lawsuit had been filed against Josh when in fact
24
25

COMPLAINT FOR DAMAGES

1 Bertrand had not taken any such action; and

2 f. Falsely representing that Bertrand was a government enforcement
3 agency or affiliated with one.
4

5 **JURISDICTION AND VENUE**

6 3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, 15 U.S.C. §
7 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.
8

9 4. This action arises out of Defendants' violations of the Fair Debt Collection
10 Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair
11 Debt Collection Practices Act, California Civil Code §§ 1788-1788.32
12 ("Rosenthal Act").
13

14 5. Because Defendants do business within the State of California, personal
15 jurisdiction is established.
16

17 6. Venue is proper pursuant to 28 U.S.C. § 1391.

18 7. At all times relevant, Defendants conducted business within the State of
19 California.
20

21 **PARTIES**

22 8. Plaintiff, Josh Keahey is a natural person who resides in the City of Buena
23 Park, State of California.
24

25 **COMPLAINT FOR DAMAGES**
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1 9. Plaintiff, Travis Keahey is a natural person who resides in the City of
2 Buena Park, State of California.

3 10. Plaintiff, Jenny Keahey is a natural person who resides in the City of Buena
4 Park, State of California.

5 11. Defendants are located in the City of Ontario, in the State of California.

6 12. Plaintiff, Josh Keahey is obligated or allegedly obligated to pay a debt, and
7 is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

8 13. Defendants are persons who uses an instrumentality of interstate
9 commerce or the mails in a business the principal purpose of which is the
10 collection of debts, or who regularly collects or attempts to collect, directly,
11 or indirectly, debts owed or due or asserted to be owed or due another and
12 is therefore a debt collector as that phrase is defined by 15 U.S.C. §
13 1692a(6).

14 14. Plaintiff, Josh Keahey is a natural person from whom a debt collector
15 sought to collect a consumer debt which was due and owing or alleged to
16 be due and owing from Josh; and he is a "debtor" as that term is defined by
17 California Civil Code § 1788.2(h).

18 15. Defendants, in the ordinary course of business, regularly, on behalf of
19

20 **COMPLAINT FOR DAMAGES**

1 himself, herself, or others, engages in debt collection as that term is defined
2 by California Civil Code § 1788.2(c).

3 16. This case involves money, property or their equivalent, due or owing or
4
5 alleged to be due or owing from a natural person by reason of a consumer
6 credit transaction. As such, this action arises out of a consumer debt and
7
8 “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

9 17. The true name of Megan Doe is currently unknown to Plaintiff who alleges
10
11 Megan Doe was responsible in some manner for the injuries sustained by
12
13 Plaintiffs as hereinafter alleged. Plaintiffs request leave to file an
14
15 amendment to this Complaint alleging the true complete name of Gail Doe
16 when this name has been ascertained.

17 18. Any acts or omission of Megan Doe alleged in this Complaint were under
18
19 the direct control or supervision of Defendant Bertrand Management
20
21 Group, LLC, and consequently Defendant Bertrand Management Group,
22
23 LLC is vicariously liable for these acts or omissions.

24 19. The true name of Margo Doe is currently unknown to Plaintiffs who allege
25
26 Megan Doe was responsible in some manner for the injuries sustained by
27
28 Plaintiffs as hereinafter alleged. Plaintiffs requests leave to file an

COMPLAINT FOR DAMAGES

1 amendment to this Complaint alleging the true complete name of Gail Doe
2 when this name has been ascertained.

3 20. Any acts or omission of Margo Doe alleged in this Complaint were under
4 the direct control or supervision of Defendant Bertrand Management
5 Group, LLC, and consequently Defendant Bertrand Management Group,
6 LLC is vicariously liable for these acts or omissions.
7
8

9 **FACTUAL ALLEGATIONS**

10 **Bertrand Contacting Jenny and Travis Regarding Josh's Debt**

11 21. Sometime on or before May 2012, Josh is alleged to have incurred certain
12 financial obligations to Wells Fargo Financial Bank.
13

14 22. Plaintiffs are informed and believes, and thereon alleges, that sometime
15 before May 2012, the alleged debt was assigned, placed, or otherwise
16 transferred, to Defendant Bertrand for collection.
17

18 23. On or about May 2012, Defendant's representative called Jenny claiming a
19 warrant had been issued for Josh's arrest by reason of his failure to pay the
20 alleged debt. In addition, the representative warned, that if Josh failed to
21 make payment to Defendant, Jenny and Travis would be directly
22 responsible for the debt.
23
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26 **COMPLAINT FOR DAMAGES**
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1 24. After concluding her call with Defendant, Jenny immediately called Travis
2 notifying him that the police would be coming to arrest him and that he
3 needed to immediately pay the debt otherwise Bertrand would proceed
4 directly against her and Travis.
5

6 25. In the face of these false threats, Josh was humiliated and embarrassed that
7 his financial affairs were being disclosed to Jenny and Travis and ashamed
8 that they could be held personally liable for the debt. Josh genuinely feared
9 that these false representations were true and that a police officer would be
10 coming to his home to arrest him.
11
12

13 26. During the next few days, Josh struggled with sleeping and would
14 repeatedly get up and anxiously look outside his apartment window
15 expecting a police officer to show up to arrest him.
16

17 27. On or about May 17, 2012, because Josh could no longer tolerate the
18 anxiety and uncertainty of when he would be arrested, he asked a close
19 friend if he could stay at his house for a few days.
20

21 **Bertrand Contacting Plaintiff's Father**

22 28. Defendants' unrelenting abusive debt collection practices were not
23 targeted only at Josh, Travis, and Jenny.
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26 **COMPLAINT FOR DAMAGES**
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1 29. Sometime on or about May 2012, Defendants began contacting Josh and
2 Travis' father ("Mr. Keahey) claiming to be a process server. During this
3 period, their father was suffering from cancer and eventually passed away
4 on July 1, 2012.
5

6 30. Defendants falsely told Mr. Keahey that a lawsuit had been filed against
7 Josh and that Defendants were in the process of serving Josh with the
8 Summons and Complaint. In reliance on these false representations, Mr.
9 Keahey insisted on returning to work to help Josh pay off the debt. Mr.
10 Keahey continued to work up until the time of his death on July 1, 2012.
11
12

13 31. While Mr. Keahey was suffering from cancer and ultimately succumbed to
14 the disease, Josh harbors guilt over his father's death.
15

16 32. In the weeks after Defendants' call and before his passing, Mr. Keahey
17 grew increasingly worried and concerned over Josh financial solvency.
18 Josh feels responsible for his father having to return to work and face the
19 remaining part of his life distraught over Josh's finances.
20

21 **Bertrand's Communications With Josh on May 21, 2012**
22

23 33. On or about May 21, 2012, Josh called Defendants and spoke with
24 representative, Margo Doe.
25

26 **COMPLAINT FOR DAMAGES**
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1 34. Josh told Margo Doe that he was returning a message for him left with his
2 sister-in-law.

3 35. Margo Doe responded that Bertrand is a "litigation firm" and that Josh's
4 account had already been assigned to an attorney. In addition, Margo Doe
5 told Josh that a lawsuit had already been filed against him and denied that
6 Bertrand communicated with Jenny and Mr. Keahey. Margo Doe further
7 explained that Bertrand's policy prohibits the making of outbound calls and
8 that the communication to Jenny was made by a process server in
9 connection with the individual's attempt to serve Josh.
10
11
12

13 36. During this conversation, Margo Doe led Josh to incorrectly believe that
14 Bertrand was affiliated or was operating in the capacity as a government
15 enforcement agency, by representing that the debt was coming from the
16 "FDCI [*sic*] Banking Institution." In light of Defendants' threat to have him
17 arrested and as an unsophisticated consumer, Josh reasonably believed that
18 Defendants were vested with regulatory powers and that paying the debt
19 was the only way to avoid having the government continue to pursue him.
20
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23 37. Margo Doe then told Josh that his failure to respond to an out-court-
24 settlement offer made by Bertrand's attorney prompted the filing of the
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27 **COMPLAINT FOR DAMAGES**
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1 purported lawsuit. In addition, Margo Doe stated that given that Bertrand
2 had to resort to suing Josh, Josh was also responsible for a \$3500
3 assessment fee on top of the \$2400 debt alleged to be owing.
4

5 38. In continuing with this deception, Margo Doe asked Josh if he wanted to
6 set up "servicing" given that Bertrand's process server had already made
7 multiple unsuccessful attempts to serve Josh.
8

9 39. Confusingly, Margo Doe then proceeds to again deny that Bertrand ever
10 called Mrs. Keahey but then oddly explains that the process server's two
11 failed attempts at serving Josh prompted the communication to Mrs.
12 Keahey.
13

14 40. Hoping to put the matter with Bertrand behind him, Josh asked Margo Doe
15 if Bertrand would consider a settlement offer. Margo Doe responded that
16 Bertrand would be willing to waive the \$3500 assessment fee in exchange
17 for Josh agreeing to pay \$1,360 to liquidate the account. Before
18 committing to a settlement, Josh requested that Margo Doe and/or Bertrand
19 stop calling members of his family and that Margo Doe send him proof in
20 writing that he owed the debt.
21
22
23

24 41. Margo Doe refused telling Josh to call Wells Fargo so he can hear it "out
25

26 **COMPLAINT FOR DAMAGES**
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1 of the horse's mouth" who owns the debt. Margo Doe then told Josh that
2 she no longer wanted to speak with him and hung up her phone.

3 **June 15, 2012 Voicemail from Bertrand**

4
5 42. On June 15, 2012, Defendant Megan Doe, left the following voicemail on
6 the cell phone for Josh's friend:

7
8 Hi, Joshua this is Megan w/ BMG Associates. You contacted our office in
9 reference to trying to make some arrangement as to here...you know
10 settlements going inbound that was due. Not sure you were able to receive
11 that information. But however, you were supposed to be contacting me
12 back.

13 I'm not sure what we need to do if we....**send this file back out for**
14 **servicing**...we can go ahead and **contact I believe it was your brother**
15 that you stated you needed to try to get the funds from. Please call me back
16 888-861-2647. If we do not hear back we will assume that this is
17 something you choose not to resolve and we will forward.

18 43. In this voicemail, Defendant Megan Doe says that she would "go ahead"
19 and contact Josh's brother regarding the debt and maintains the ruse set in
20 motion by Defendant Margo Doe by falsely implying that suit had been
21 filed against Josh and that Bertrand had implied permission to contact
22 Travis.

23 ///

24 ///

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26 **COMPLAINT FOR DAMAGES**

CAUSE OF ACTIONS

**First Cause Of Action
(Violations Of the Fair Debt Collection Practices
Act 15 U.S.C. § 1692 et seq.)**

44.Plaintiffs incorporate by reference all of the above paragraphs of this
Complaint as though fully stated herein.

45.The foregoing acts and omissions of Defendants constitute numerous and
multiple violations of the FDCPA, including but not limited to each and
every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et
seq.

46. As a result of each and every Defendants' violations of the FDCPA,
Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. §
1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to
15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs
pursuant to 15 U.S.C. § 1692k(a)(3) from Defendants.

**Second Cause Of Action
(Violation Of The Rosenthal Fair Debt Collection
Practices Act §§ 1788-1788.32)**

47.Plaintiffs incorporate by reference all of the above paragraphs of this
Complaint as though fully stated herein.

COMPLAINT FOR DAMAGES

1 48. The foregoing acts and omissions of Defendants constitute numerous and
2 multiple violations of the RFDCPA.

3 49. As a result of Defendants' violations of the RFDCPA, Plaintiffs are entitled
4 to actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory
5 damages for a knowing or willful violation in the amount up to \$1,000.00
6 pursuant to California Civil Code § 1788.30(b); and reasonable attorney's
7 fees and costs pursuant to California Civil Code § 1788.30(c) from
8 Defendants.
9
10

11
12 **Third Cause Of Action**
13 **(Invasion Of Privacy Intrusion Into Private Affairs)**

14 50. Plaintiffs incorporate by reference all of the above paragraphs of this
15 Complaint as though fully stated herein.

16 51. Beginning on or about May 2012, Defendants have intentionally intruded
17 on Josh's privacy by calling members of his family, threatening to issue an
18 arrest warrant for his arrest, and deceiving him into thinking that Bertrand
19 had filed a lawsuit against him.
20

21 52. Beginning on or about May 2012, Defendants have intentionally intruded
22 on Travis and Jenny's privacy by calling them and threatening to pursue
23
24
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26 **COMPLAINT FOR DAMAGES**
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1 them for Josh's debt.

2 53. Defendants' conduct would be highly offensive to a reasonable person
3 because such a person would be offended at having their financial affairs
4 publicized to third-parties and be targeted with these false threats.

5 54. Plaintiffs were harmed and Defendants' conduct was a substantial factor in
6 causing Plaintiffs this harm.
7

8
9 **Fourth Cause Of Action**
10 **(Intentional Infliction Of Emotional Distress)**

11 55. Plaintiffs incorporate by reference all of the above paragraphs of this
12 Complaint as though fully stated herein.

13 56. Defendants' conduct was extreme and outrageous as evidence by these
14 facts:

15 a. Defendants illegally revealed Josh's personal financial information to
16 his father, his sister-in-law, and brother;

17 b. Defendants falsely told Plaintiff's sister-in-law that a warrant had
18 been issued for his arrest;

19 c. Defendants terrorized Jenny and Travis by falsely telling them that
20 they were legally responsible for Josh's debt;
21

22 **COMPLAINT FOR DAMAGES**
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1 d. Defendants deceived Josh into believing that suit had been filed
2 against him when no such action had been carried out; and

3 e. Defendants deceived Josh into believing that he was legally
4 responsible for an assessment fee because Defendants had to resort
5 to filing suit against him to collect on the purported debt.
6

7 f. Defendants deceived Josh into believing that they were a government
8 enforcement agency or affiliated with one when they told him that
9 the debt was coming from the "FDCI" [sic] Banking Institution."
10

11
12 57. Given Plaintiffs' unfamiliarity with the law, Plaintiffs were particularly
13 vulnerable to suffering emotional distress. Plaintiffs' susceptibility to
14 suffering emotional distress is especially true in light of Plaintiffs' belief
15 that Defendants' had apparent regulatory authority to collect the debt.
16

17 58. Defendants' conduct was intentional, as evidenced, by these false and
18 misleading statements, which served no other purpose than to induce Josh,
19 Travis, and Jenny into paying the debt.
20

21 59. These tactics were successful as demonstrated by:

22 a. Josh panicking and contacting Travis to borrow the necessary funds
23 to pay Bertrand;
24
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26 **COMPLAINT FOR DAMAGES**
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1 b. Josh's attempts to work out a payment arrangement between him and
2 Defendants in order to avoid being arrested and being involved in a
3 lawsuit;
4

5 c. Jenny and Travis incorrectly believing that Defendants' could pursue
6 them personally unless Josh paid the debt;
7

8 60. As a result of Defendants' conduct, Plaintiffs suffered paranoia, depression,
9 worry, fear, and anxiety, and emotional distress.

10 61. Because Defendants acted with oppression, fraud, malice, and with an
11 intent to harm Plaintiffs, Plaintiffs are entitled to punitive damages in an
12 amount according to proof.
13

14 **PRAYER FOR RELIEF**

15
16 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for:

17 **FAIR DEBT COLLECTION PRACTICES ACT**

- 18 a. An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
19
20 b. An award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. §
21 1692k(a)(2)(A), from Defendants;
22
23 c. An award of costs of litigation and reasonable attorney's fees, pursuant
24 to 15 U.S.C. § 1692k(a)(3) from Defendants.
25

26 **COMPLAINT FOR DAMAGES**
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ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

- a. An award of actual damages pursuant to California Civil Code § 1788.30(a);
- b. An award of statutory damages of \$1,000.00, pursuant to California Civil Code § 1788.30(b), from Defendants;
- c. An award of costs of litigation and reasonable attorney's fees, pursuant to California Civil Code § 1788.30(c), from Defendants.

INVASION OF PRIVACY

- a. An award of compensatory damages in an amount to be adduced at trial;
- b. An award of emotional distress damages;
- c. An award of punitive damages.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- a. An award of compensatory damages in an amount to be adduced at trial;
- b. An award of punitive damages.

OTHER RELIEF

Any and all further relief that the Court deems just and proper.

TRIAL BY JURY

Pursuant to the Seventh Amendment to the Constitution of the United

COMPLAINT FOR DAMAGES

1 States of America, Plaintiff is entitled to, and demands, a trial by jury.
2

3 Dated: 10/12/2012
4

5 **LAW OFFICES OF JOSEPH R. MANNING, JR.**
6 **A PROFESSIONAL CORPORATION**

7 By: 

8 Joseph R. Manning, Jr., Esq., Attorney for
9 Plaintiffs Joshua Keahey, Travis Keahey,
10 and Jenny Keahey

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COMPLAINT FOR DAMAGES

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JOSHUA KEAHEY, an individual, TRAVIS KEAHEY, an individual, and JENNY KEAHEY, an individual.	DEFENDANTS BERTRAND MANAGEMENT GROUP, LLC, a.k.a. BM Group, LLC, MEGAN DOE, MARGO DOE, and DOES 1to 5
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Joseph R. Manning, Jr., (SBN 223381) The Law Offices of Joseph R. Manning, Jr., APC 2010 Main Street, Suite 1080, Irvine, CA 92614	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:40%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
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<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ to be proven at trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Defendants failed to make meaningful disclosures when leaving telephone messages on Plaintiff's telephone in violation of the FDCPA and RFDCPA

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: SACV12-01770-CJC-AN
AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** October 12, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV12- 1770 CJC (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.